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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,349	02/17/2004	Markus Oliver Hannebauer	7390-X04-029	9231

27317 7590 02/16/2007
FLEIT KAIN GIBBONS GUTMAN BONGINI & BIANCO
21355 EAST DIXIE HIGHWAY
SUITE 115
MIAMI, FL 33180

EXAMINER

ALI, OMAR R

ART UNIT	PAPER NUMBER
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2109

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/781,349

Applicant(s)

HANNEBAUER ET AL.

Examiner

Omar Abdul-Ali

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/17/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to the original filing of February 17, 2004. Claims 1-21 are pending and have been considered below.

Specification

1. The uses of the trademarks Microsoft Powerpoint™, Microsoft Visio™, and Microsoft Front Page™, have been noted in this application. They should be capitalized wherever they appear and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

2. Examiner's Note. The Applicant appears to be attempting to invoke 35 U.S.C. 112 6th paragraph in Claims 15-19, by using "means-plus-function" language. However, the Examiner notes that the only "means" for performing these cited functions in the specification appears to be computer program modules. While the claims pass the first test of the three-prong test used to determine invocation of paragraph 6, since no other specific structural limitations are disclosed in the specification, the claims do not meet the other tests of the three-prong test. Therefore, 35 U.S.C. 112 6th paragraph has not been invoked when considering these claims below.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jaeger (US 2005/0068290) in view of Farrah (US 2004/0030997).

Claims 1, 8, and 15: Jaeger discloses a method for creating and using user-friendly grids comprising:

a. providing a container having a set of container grid lines (page 2, paragraph 47);

b. providing a set of graphical objects, each graphical object of the set of graphical objects having a set of object grid lines (page 5, paragraph 65);

c. selecting one of the graphical objects of the set of graphical objects (page 6, paragraph 79);

d. positioning of the selected one of the graphical objects within the container (page 6, paragraph 79);

e. if one object grid line of the set of object grid lines of the one of the graphical objects is positioned on one of the container grid lines: binding of the one object grid line to the one container grid line (Figure 22b).

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Farrah discloses a similar system for creating an artwork that further discloses if one object grid line is not positioned on a container grid line: generating additional container grid lines at the current position of the one object grid line and binding the object into a region in the container (page 10, paragraph 233). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that additional grid lines could be generated to bind the graphic object in Jaeger to a container region. One would have been motivated to generate additional grid lines in order to freely place a graphic object in any space on the container.

Claims 2, 9, and 16: Jaeger and Farrah disclose a method for creating and using user-friendly grids as in claims 1, 8, and 15 above, and Farrah further discloses that the additional container grid lines are generated and bound when the selected one of the graphical objects is located within the container (page 10, paragraph 233). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to generate additional container grid lines and bind the graphic object in Jaeger when the object is positioned within the container. One would have been motivated to generate additional grid lines when the object is placed in the container in order to provide the user with the freedom to place a graphic object in any space on the container.

Claims 3, 10, and 17: Jaeger and Farrah disclose a method for creating and using user-friendly grids as in claims 1, 8, and 15 above, and Farrah further discloses

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generating additional rectangular grid lines when a further graphical object has been located in the container area that bind the object to the plurality of grid lines that are parallel to the edges of the area (page 10, paragraph 233). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to generate additional container grid lines when a second graphical object is positioned within the container in Jaeger and bind this additional graphical object to the grid lines defined by a first graphical object and the container grid lines. One would have been motivated to generate and bind the additional grid lines when the second object is placed in order to freely place a second object in the container, with respect to a first object so that alignment will be preserved.

Claims 4, 11, and 18: Jaeger and Farrah disclose a method for creating and using user-friendly grids as in claims 1, 8, and 15 above, and Jaeger further discloses:

a. the container grid lines and the object grid lines of graphical objects of the set of graphical objects positioned within the container provide a grid with snap-to-grid functionality (page 6, [0091]).

Claims 5, 12, and 19: Jaeger and Farrah disclose a method for creating and using user-friendly grids as in claims 1, 8, and 15 above, and Farrah further discloses resizing graphical objects in order to keep them in proportion relative to one another according to a rule describing the relationship between two graphical objects (page 6, paragraph 137). Therefore it would have been obvious to one having ordinary skill in the art at the

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time the invention was made to assign constraints to a subset of graphical objects in Jaeger by following the rules set by an automatic constraint solver. One would have been motivated to assign constraints to specific graphical objects in order to properly display these objects in the layout according to specific requirements.

Claims 6, 13, and 20: Jaeger and Farrah disclose a method for creating and using user-friendly grids as in claims 1, 8, and 15 above, and Jaeger further discloses:

a. the binding between grid lines establishes a spatial constraint that the grid lines are co-located (page 7, paragraph 94).

Claims 7, 14, and 21: Jaeger and Farrah disclose a method for creating and using user-friendly grids as in claims 1, 8, and 15 above, and Jaeger further discloses:

a. using the one graphical object as a second container for positioning a further graphical object (page 6, paragraph 80).

Conclusion

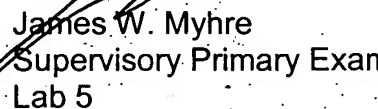
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Abdul-Ali whose telephone number is 571-270-1694. The examiner can normally be reached on Mon-Fri(Alternate Fridays Off) 7:30 - 5:00 EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Myhre can be reached on 571-270-1065. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OAA
02/06/07



James W. Myhre
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